

REMARKS

Claims 1-6, 8 and 16 remain pending in the above-identified application.

Claim Amendments

By this amendment, claim 18 is canceled and the limitations thereof added to claim 1.

No new matter is added by this amendment.

Rejection Under 35 USC § 103(a)

In the outstanding Office Action, claims 1-6, 8, 16 and 18 have been rejected under 35 USC 103(a) as obvious over Atkinson et al '466.

In support of the rejection, the Examiner references page 4 of the Action of May 4, 2006 as follows:

“It would have been obvious to one of ordinary skill in the art at the time the invention was made to reasonably expect the spray dried material of Atkinson, as in Example 11, to have a bulk density, particle size, dissolution rate, microporous capacity, capability of releasing a bubble, and a localized structure within those recited; and the base powders, as in Example 24 and 25, to have a bulk density and particle size as those recited because similar compositions, similar ingredients and the same spray-drying process have been utilized. In addition, the final product, which was a blend of the spray-dried carrier material and spray-dried base powder, has a bulk density of about 500 g/l, hence each of the spray dried carrier material and spray-dried powder, prior to blending should also have the same bulk density, particle size and properties as those recited.”

This rejection is respectfully traversed to the extent deemed to apply to the claims as amended.

By way of review, the claimed invention is directed to composite detergent particles which comprise detergent additive particles (a) mixed with detergent particles (b) in a specific ratio that the detergent particles (b) are present among the detergent additive particles (a),

thereby inhibiting succession of the particles. Accordingly, the present invention can exhibit superior solubility in comparison with detergent particles (b) alone. Further, in order to achieve the excellent washing ability of the present invention, the claimed ratio of the detergent additive particles (a) to the detergent particles (b) is specified. The claimed invention is neither taught nor suggested by the cited prior art.

Atkinson is directed to powders prepared by slurry drying and suitable for use as detergent powders. The reference discloses the combination of adjuvant powders and detergent powders.

Atkinson discloses at column 22, lines 12-19 a detergent composition containing the adjunct of Example 30 and the base powder of Example 24 at a specific ratio. The adjunct of Example 30 corresponds to the detergent additive particles (a) of the present invention, and contains liquid non-ionic surfactant in the amount of 23% by weight which falls outside of the range recited in applicants' claimed invention (less than 6% by weight). For this reason, Atkinson fails to suggest the claimed invention.

By way of further distinction, in Atkinson the adjunct is prepared which is obtained by spray-drying a slurry comprising sodium carbonate, sodium sulphate, a crystal growth modifier which is an organic material having at least three carboxyl groups in the molecule and which carries liquid non-ionic surfactant in a large amount which is difficult to add by spray-drying.

The Examiner takes the position at page 3 of the Action that a *prima facie* case of obviousness exists because the claimed ranges overlap.

In response, the present invention has the feature that no surfactant (or a very small content of surfactant) is present in the detergent additive particles (a). By mixing the detergent additive particles (a) and detergent particles (b) containing a larger amount of surfactant, the

present invention can exhibit the result that a paste layer comprising a surfactant formed by the detergent particles upon pouring water into the dispenser becomes discontinuous so that distributivity from the dispenser is improved (see page 22, lines 4-16 of the specification).

Indeed, claim 1 as amended now specifies that the weight ratio of detergent additive particles (a) to detergent particles (b) ranges from 20/80 to 35/65, thus ensuring the presence of larger amounts of detergent particles (b) in relation to detergent additive particles (a) in the claimed composition.

The superior effects of the present invention are amply demonstrated by applicants' Examples and Comparative Examples. Comparative Particles 1 and 2 at Table 1 correspond to the adjunct of Atkinson which contains liquid non-ionic surfactant in the amount of 23% by weight which falls well outside of the claimed range of less than 6% by weight. Comparative Particles 1 and 2 contain 15% by weight of LAS-Na which are also well outside of the claimed range.

Further, the results of the table entitled "Detergent Additive Particles or Comparative Particles/Detergent Particles = 30/70 (weight ratio)" at Table 3 (pages 63-64 of the specification) demonstrate the effect upon the "Remaining Ratio" value which is an index for evaluating distributivity from the dispenser based on the amount of surfactant present. The table confirms that the "Remaining Ratio" of the Comparative Examples containing Comparative Particles 1 and 2 corresponding to Atkinson (page 64 of specification) are very undesirable in comparison with the Remaining Ratio of the Examples directed to Additives Particles at the bottom of page 63.

With regard to the ratios of detergent additive/detergent particles exemplified in the comparative data, detergent additive/detergent weight ratios of 0/100, 5/95, 10/90 and 30/70 are

exemplified. The claims as amended now recite a ratio of detergent additive particles (a) /detergent particles (b) of 20/80-35/65. As such, the exemplified ratio of 30/70 falls within the claimed invention, while the other exemplified ratios do not. Advantageous results with respect to obtaining a low "Remaining Ratio" are achieved by use of the ratio of 30/70, as opposed to the other exemplified weight ratios which fall outside of the scope of the claimed limitation.

Further, the Examiner asserts that the limitation "less than 6% by weight" does not patentably distinguish over the prior art. However, the above-discussed comparative data is believed to overcome any *prima facie* case of obviousness believed presented by the Examiner, as applicants have clearly demonstrated that the presence of amounts of surfactant in the amount taught by the reference fails to enable the desired results to be achieved.

In view of the above, the rejection is without basis and should be withdrawn.

The application is now believed to be in condition for allowance, and an early indication of same earnestly is solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John W. Bailey (Reg. No. 32,881) at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Applicants submit herewith payment in the amount of \$1020.00 for the requested three month extension of time.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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By 

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